

AMENDED IN SENATE SEPTEMBER 2, 2009

AMENDED IN SENATE AUGUST 26, 2009

AMENDED IN SENATE JUNE 30, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 737**

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**Introduced by Committee on Environmental Safety and Toxic  
Materials (Chesbro (Chair), Miller (Vice Chair), Davis, Feuer,  
Monning, Ruskin, and Smyth)**

February 26, 2009

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An act to amend Sections 25251, 25257, 116450, 116455, and 116470  
of the Health and Safety Code, relating to environmental safety.

LEGISLATIVE COUNSEL'S DIGEST

AB 737, as amended, Committee on Environmental Safety and Toxic  
Materials. Environmental safety: public water systems: public  
notification: Toxics Information Clearinghouse.

Existing law, known as the California Safe Drinking Water Act,  
requires the State Department of Public Health to administer provisions  
relating to the regulation of drinking water to protect public health,  
including, but not limited to, conducting research, studies, and  
demonstration programs relating to the provision of a dependable, safe  
supply of drinking water, enforcing the federal Safe Drinking Water  
Act, adoption of enforcement regulations, and conducting studies and  
investigations to assess the quality of water in domestic water supplies.

Existing law requires every public water system to notify users when  
certain monitoring or other requirements have not been complied with,  
to notify customers when a failure to comply with a primary drinking  
water standard represents an imminent danger, to notify consumers of

confirmation of detected contaminants, and to annually deliver a prescribed consumer confidence report to each consumer.

This bill would, in addition, require posting of the notices and reports on the public water system's Internet Web site, if the public water system maintains an Internet Web site. The bill would permit the public water system, *except when issued a Tier 1 notice, as defined, to remove or supplement the posted information when certain conditions are met.*

Existing law requires the Department of Toxic Substances Control to establish a Toxics Information Clearinghouse for the collection, maintenance, and distribution of specific chemical hazard traits and environmental and toxicological end-point data and defines "consumer product" for purposes of these provisions.

This bill would correct spelling errors and make other technical conforming changes to these provisions.

~~This bill would incorporate additional changes to Section 116450 of the Health and Safety Code proposed by AB 1540 that would become operative only if AB 1540 and this bill are both chaptered and become effective on or before January 1, 2010, and this bill is chaptered last.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 25251 of the Health and Safety Code, as
- 2 added by the first version of Section 1 of Chapter 560 of the
- 3 Statutes of 2008, is amended to read:
- 4 25251. For purposes of this article, the following definitions
- 5 shall apply:
- 6 (a) "Clearinghouse" means the Toxics Information
- 7 Clearinghouse established pursuant to Section 25256.
- 8 (b) "Council" means the California Environmental Policy
- 9 Council established pursuant to subdivision (b) of Section 71017
- 10 of the Public Resources Code.
- 11 (c) "Office" means Office of Environmental Health Hazard
- 12 Assessment.
- 13 (d) "Panel" means the Green Ribbon Science Panel established
- 14 pursuant to Section 25254.
- 15 (e) "Consumer product" means a product or part of the product
- 16 that is used, bought, or leased for use by a person for any purposes.
- 17 "Consumer product" does not include any of the following:

1 (1) A dangerous drug or dangerous device as defined in Section  
2 4022 of the Business of Professions Code.

3 (2) Dental restorative materials as defined in subdivision (b) of  
4 Section 1648.20 of the Business and Professions Code.

5 (3) A device as defined in Section 4023 of the Business of  
6 Professions Code.

7 (4) A food as defined in subdivision (a) of Section 109935.

8 (5) The packaging associated with any of the items specified in  
9 paragraph (1), (2), or (3).

10 (6) A pesticide as defined in Section 12753 of the Food and  
11 Agricultural Code or the Federal Insecticide, Fungicide and  
12 Rodenticide Act (7 U.S.C. Sec. 136 et seq.).

13 (7) Mercury-containing lights defined as mercury-containing  
14 lamps, bulbs, tubes, or other electric devices that provide functional  
15 illumination.

16 (f) This section shall remain in effect only until December 31,  
17 2011, and as of that date is repealed, unless a later enacted statute,  
18 that is enacted before December 31, 2011, deletes or extends that  
19 date.

20 SEC. 2. Section 25251 of the Health and Safety Code, as added  
21 by the second version of Section 1 of Chapter 560 of the Statutes  
22 of 2008, is amended to read:

23 25251. For purposes of this article, the following definitions  
24 shall apply:

25 (a) "Clearinghouse" means the Toxics Information  
26 Clearinghouse established pursuant to Section 25256.

27 (b) "Council" means the California Environmental Policy  
28 Council established pursuant to subdivision (b) of Section 71017  
29 of the Public Resources Code.

30 (c) "Office" means Office of Environmental Health Hazard  
31 Assessment.

32 (d) "Panel" means the Green Ribbon Science Panel established  
33 pursuant to Section 25254.

34 (e) "Consumer product" means a product or part of the product  
35 that is used, bought, or leased for use by a person for any purposes.  
36 "Consumer product" does not include any of the following:

37 (1) A dangerous drug or dangerous device as defined in Section  
38 4022 of the Business of Professions Code.

39 (2) Dental restorative materials as defined in subdivision (b) of  
40 Section 1648.20 of the Business and Professions Code.

1 (3) A device as defined in Section 4023 of the Business of  
2 Professions Code.

3 (4) A food as defined in subdivision (a) of Section 109935.

4 (5) The packaging associated with any of the items specified in  
5 paragraph (1), (2), or (3).

6 (6) A pesticide as defined in Section 12753 of the Food and  
7 Agricultural Code or the Federal Insecticide, Fungicide and  
8 Rodenticide (7 U.S.C. Sec. 136 et seq.).

9 (f) This section shall become effective on January 1, 2012.

10 SEC. 3. Section 25257 of the Health and Safety Code is  
11 amended to read:

12 25257. (a) A person providing information pursuant to this  
13 article may, at the time of submission, identify a portion of the  
14 information submitted to the department as a trade secret and, upon  
15 the written request of the department, shall provide support for the  
16 claim that the information is a trade secret. Except as provided in  
17 subdivision (d), a state agency shall not release to the public,  
18 subject information supplied pursuant to this article that is a trade  
19 secret, and that is so identified at the time of submission, in  
20 accordance with Section 6254.7 of the Government Code and  
21 Section 1060 of the Evidence Code.

22 (b) This section does not prohibit the exchange of a properly  
23 designated trade secret between public agencies, if the trade secret  
24 is relevant and necessary to the exercise of the agency's jurisdiction  
25 and the public agency exchanging the trade secrets complies with  
26 this section. An employee of the department that has access to a  
27 properly designated trade secret shall maintain the confidentiality  
28 of that trade secret by complying with this section.

29 (c) Information not identified as a trade secret pursuant to  
30 subdivision (a) shall be available to the public unless exempted  
31 from disclosure by other provisions of law. The fact that  
32 information is claimed to be a trade secret is public information.

33 (d) (1) Upon receipt of a request for the release of information  
34 that has been claimed to be a trade secret, the department shall  
35 immediately notify the person who submitted the information.  
36 Based on the request, the department shall determine whether or  
37 not the information claimed to be a trade secret is to be released  
38 to the public.

39 (2) The department shall make the determination specified in  
40 paragraph (1), no later than 60 days after the date the department

1 receives the request for disclosure, but not before 30 days following  
2 the notification of the person who submitted the information.

3 (3) If the department decides that the information requested  
4 pursuant to this subdivision should be made public, the department  
5 shall provide the person who submitted the information 30 days'  
6 notice prior to public disclosure of the information, unless, prior  
7 to the expiration of the 30-day period, the person who submitted  
8 the information obtains an action in an appropriate court for a  
9 declaratory judgment that the information is subject to protection  
10 under this section or for a preliminary injunction prohibiting  
11 disclosure of the information to the public and promptly notifies  
12 the department of that action.

13 (e) This section does not authorize a person to refuse to disclose  
14 to the department information required to be submitted to the  
15 department pursuant to this article.

16 (f) This section does not apply to hazard trait submissions for  
17 chemicals and chemical ingredients pursuant to this article.

18 SEC. 4. Section 116450 of the Health and Safety Code is  
19 amended to read:

20 116450. (a) When any primary drinking water standard  
21 specified in the department's regulations is not complied with,  
22 when a monitoring requirement specified in the department's  
23 regulations is not performed, or when a water purveyor fails to  
24 comply with the conditions of any variance or exemption, the  
25 person operating the public water system shall notify the  
26 department, shall give notice to the users of that fact in the manner  
27 prescribed by the department, and, if the public water system has  
28 an Internet Web site, shall post the notice on that Internet Web  
29 site. When a variance or an exemption is granted, the person  
30 operating the public water system shall give notice to the users of  
31 that fact.

32 (b) When a person operating a public water system determines  
33 that a significant rise in the bacterial count of water has occurred  
34 in water he or she supplies, the person shall provide, at his or her  
35 expense, a report on the rise in bacterial count of the water, together  
36 with the results of an analysis of the water, within 24 hours to the  
37 department and, where appropriate, to the local health officer.

38 (c) When the department receives the information described in  
39 subdivision (b) and determines that it constitutes an immediate  
40 danger to health, the department shall immediately notify the

1 person operating the public water system to implement the  
2 emergency notification plan required by this chapter.

3 (d) In the case of a failure to comply with any primary drinking  
4 water standard that represents an imminent danger to the health  
5 of water users, the operator shall notify each of his or her  
6 customers, as provided in the approved emergency notification  
7 plan, and, if the public water system has an Internet Web site, post  
8 the notice on that Internet Web site.

9 (e) In addition, the same notification requirement shall be  
10 required in any instance in which the department or the local health  
11 department recommends to the operator that it notify its customers  
12 to avoid internal consumption of the water supply and to use bottled  
13 water due to a chemical contamination problem that may pose a  
14 health risk.

15 (f) The content of the notices required by this section shall be  
16 approved by the department. Notice shall be repeated at intervals,  
17 as required by the department, until the department concludes that  
18 there is compliance with its standards or requirements. Notices  
19 may be given by the department.

20 In any case where public notification is required by this section  
21 because a contaminant is present in drinking water at a level in  
22 excess of a primary drinking water standard, the notification shall  
23 include identification of the contaminant, information on possible  
24 effects of the contaminant on human health, and information on  
25 specific measures that should be taken by persons or populations  
26 who might be more acutely affected than the general population.

27 (g) Whenever a school or school system, the owner or operator  
28 of residential rental property, or the owner or operator of a business  
29 property receives a notification from a person operating a public  
30 water system under any provision of this section, the school or  
31 school system shall notify school employees, students, and parents  
32 if the students are minors, the owner or operator of a residential  
33 rental property shall notify tenants, and the owner or operator of  
34 business property shall notify employees of businesses located on  
35 the property.

36 (1) The operator shall provide the customer with a sample  
37 notification form that may be used by the customer in complying  
38 with this subdivision and that shall indicate the nature of the  
39 problem with the water supply and the most appropriate methods  
40 for notification that may include, but are not limited to, the sending

1 of a letter to each water user and the posting of a notice at each  
2 site where drinking water is dispensed.

3 (2) The notice required by this subdivision shall be given within  
4 10 days of receipt of notification from the person operating the  
5 public water system.

6 (3) Any person failing to give notice as required by this  
7 subdivision shall be civilly liable in an amount not to exceed one  
8 thousand dollars (\$1,000) for each day of failure to give notice.

9 (4) If the operator has evidence of noncompliance with this  
10 subdivision the operator shall report this information to the local  
11 health department and the department.

12 (h) ~~An~~ *Except when issuing a Tier 1 notice, as defined in*  
13 *Subpart Q of Part 141 of Title 40 of the Code of Federal*  
14 *Regulations, an operator that is required to post a notice on the*  
15 *public water system's Internet Web site pursuant to subdivision*  
16 *(a) or (d) may, upon resolving the problem or complying with the*  
17 *standard that required notification, supplement do either or both*  
18 *of the following:*

19 (1) *Not less than seven days after resolving the problem or*  
20 *complying with the standard that required the notification, remove*  
21 *the notice from the public water system's Internet Web site.*

22 (2) *Supplement the notice posted on the public water system's*  
23 *Internet Web site to provide additional information, including, but*  
24 *not limited to, the date on which the problem was resolved or*  
25 *compliance was achieved.*

26 ~~SEC. 4.5. Section 116450 of the Health and Safety Code is~~  
27 ~~amended to read:~~

28 ~~116450. (a) When a primary drinking water standard specified~~  
29 ~~in the department's regulations is not complied with, when a~~  
30 ~~monitoring requirement specified in the department's regulations~~  
31 ~~is not performed, or when a water purveyor fails to comply with~~  
32 ~~the conditions of any variance or exemption, the person operating~~  
33 ~~the public water system shall notify the department, shall give~~  
34 ~~notice to the users of that fact in the manner prescribed by the~~  
35 ~~department, and, if the public water system has an Internet Web~~  
36 ~~site, post that notice on that Internet Web site. When a variance~~  
37 ~~or an exemption is granted, the person operating the public water~~  
38 ~~system shall give notice to the users of that fact.~~

39 ~~(b) When a person operating a public water system determines~~  
40 ~~that a significant rise in the bacterial count of water has occurred~~

1 in water he or she supplies, the person shall provide, at his or her  
2 expense, a report on the rise in bacterial count of the water, together  
3 with the results of an analysis of the water, within 24 hours to the  
4 department and, where appropriate, to the local health officer.

5 ~~(e) When the department receives the information described in~~  
6 ~~subdivision (b) and determines that it constitutes an immediate~~  
7 ~~danger to health, the department shall immediately notify the~~  
8 ~~person operating the public water system to implement the~~  
9 ~~emergency notification plan required by this chapter.~~

10 ~~(d) In the case of a failure to comply with a primary drinking~~  
11 ~~water standard that represents an imminent danger to the health~~  
12 ~~of water users, the operator shall notify each of his or her~~  
13 ~~customers, as provided in the approved emergency notification~~  
14 ~~plan, and, if the public water system has an Internet Web site, post~~  
15 ~~that notice on that Internet Web site.~~

16 ~~(e) In addition, the same notification requirement shall be~~  
17 ~~required in any instance in which the department or the local health~~  
18 ~~department recommends to the operator that it notify its customers~~  
19 ~~to avoid internal consumption of the water supply and to use bottled~~  
20 ~~water due to a chemical contamination problem that may pose a~~  
21 ~~health risk.~~

22 ~~(f) The content of the notices required by this section shall be~~  
23 ~~approved by the department. Notice shall be repeated at intervals,~~  
24 ~~as required by the department, until the department concludes that~~  
25 ~~there is compliance with its standards or requirements. Notices~~  
26 ~~may be given by the department.~~

27 ~~When public notification is required by this section because a~~  
28 ~~contaminant is present in drinking water at a level in excess of a~~  
29 ~~primary drinking water standard, the notification shall include~~  
30 ~~identification of the contaminant, information on possible effects~~  
31 ~~of the contaminant on human health, and information on specific~~  
32 ~~measures that should be taken by persons or populations who might~~  
33 ~~be more acutely affected than the general population.~~

34 ~~(g) Whenever a school or school system, the owner or operator~~  
35 ~~of residential rental property, or the owner or operator of a business~~  
36 ~~property receives a notification from a person operating a public~~  
37 ~~water system under any provision of this section, the school or~~  
38 ~~school system shall notify school employees, students, and parents~~  
39 ~~if the students are minors, the owner or operator of a residential~~  
40 ~~rental property shall notify tenants, and the owner or operator of~~



1 business property shall notify employees of businesses located on  
2 the property.

3 ~~(1) The operator shall provide the customer with a sample~~  
4 ~~notification form that may be used by the customer in complying~~  
5 ~~with this subdivision and that shall indicate the nature of the~~  
6 ~~problem with the water supply and the most appropriate methods~~  
7 ~~for notification that may include, but are not limited to, the sending~~  
8 ~~of a letter to each water user and the posting of a notice at each~~  
9 ~~site where drinking water is dispensed.~~

10 ~~(2) The notice required by this subdivision shall be given within~~  
11 ~~10 days of receipt of notification from the person operating the~~  
12 ~~public water system.~~

13 ~~(3) Any person failing to give notice as required by this~~  
14 ~~subdivision shall be civilly liable in an amount not to exceed one~~  
15 ~~thousand dollars (\$1,000) for each day of failure to give notice.~~

16 ~~(4) If the operator has evidence of noncompliance with this~~  
17 ~~subdivision the operator shall report this information to the local~~  
18 ~~health department and the department.~~

19 ~~(h) An operator that is required to post a notice on the public~~  
20 ~~water system's Internet Web site pursuant to subdivision (a) or (d)~~  
21 ~~may, upon resolving the problem or complying with the standard~~  
22 ~~that required notification, supplement the notice posted on the~~  
23 ~~public water system's Internet Web site to provide additional~~  
24 ~~information, including, but not limited to, the date on which the~~  
25 ~~problem was resolved or compliance was achieved.~~

26 ~~(i) If user notification is required pursuant to this section, the~~  
27 ~~department shall make a reasonable effort to ensure that notification~~  
28 ~~is given.~~

29 SEC. 5. Section 116455 of the Health and Safety Code is  
30 amended to read:

31 116455. (a) A public water system shall comply with the  
32 requirements of this section within 30 days after it is first informed  
33 of a confirmed detection of a contaminant found in drinking water  
34 delivered by the public water system for human consumption that  
35 is in excess of a maximum contaminant level, a notification level,  
36 or a response level established by the department.

37 (1) If the public water system is a wholesale water system, then  
38 the person operating the wholesale water system shall notify the  
39 wholesale water system's governing body and the water systems  
40 that are directly supplied with that drinking water. If the wholesale

1 water system is a water company regulated by the California Public  
2 Utilities Commission, then the wholesale water system shall also  
3 notify the commission. The commission, in the exercise of its  
4 general and specific powers to ensure the health, safety, and  
5 availability of drinking water served by the utilities subject to its  
6 jurisdiction, may order further action that is not inconsistent with  
7 the standards and regulations of the department to ensure a potable  
8 water supply.

9 (2) If the public water system is a retail water system, then the  
10 person operating the retail water system shall notify the retail water  
11 system's governing body and the governing body of any local  
12 agency whose jurisdiction includes areas supplied with drinking  
13 water by the retail water system. If the retail water system is a  
14 water company regulated by the California Public Utilities  
15 Commission, then the retail water system shall also notify the  
16 commission. The commission, in the exercise of its general and  
17 specific powers to ensure the health, safety, and availability of  
18 drinking water served by the utilities subject to its jurisdiction,  
19 may order further action that is not inconsistent with the standards  
20 and regulations of the department to ensure a potable water supply.

21 (b) The notification required by subdivision (a) shall identify  
22 the drinking water source, the origin of the contaminant, if known,  
23 the maximum contaminant level, response level, or notification  
24 level, as appropriate, the concentration of the detected contaminant,  
25 and the operational status of the drinking water source, and shall  
26 provide a brief and plainly worded statement of health concerns.  
27 The notice shall, if the public water system has an Internet Web  
28 site, also be posted on the public water system's Internet Web site.

29 (c) For purposes of this section, the following terms have the  
30 following meanings:

31 (1) "Drinking water source" means an individual groundwater  
32 well, an individual surface water intake, or, in the case of water  
33 purchased from another water system, the water at the service  
34 connection.

35 (2) "Local agency" means a city, county, or a city and county.

36 (3) "Notification level" means the concentration level of a  
37 contaminant in drinking water delivered for human consumption  
38 that the department has determined, based on available scientific  
39 information, does not pose a significant health risk but warrants  
40 notification pursuant to this section. Notification levels are

1 nonregulatory, health-based advisory levels established by the  
2 department for contaminants in drinking water for which maximum  
3 contaminant levels have not been established. Notification levels  
4 are established as precautionary measures for contaminants that  
5 may be considered candidates for establishment of maximum  
6 contaminant levels, but have not yet undergone or completed the  
7 regulatory standard setting process prescribed for the development  
8 of maximum contaminant levels and are not drinking water  
9 standards.

10 (4) "Response level" means the concentration of a contaminant  
11 in drinking water delivered for human consumption at which the  
12 department recommends that additional steps, beyond notification  
13 pursuant to this section, be taken to reduce public exposure to the  
14 contaminant. Response levels are established in conjunction with  
15 notification levels for contaminants that may be considered  
16 candidates for establishment of maximum contaminant levels, but  
17 have not yet undergone or completed the regulatory standard setting  
18 process prescribed for the development of maximum contaminant  
19 levels and are not drinking water standards.

20 (5) "Retail water system" means a public water system that  
21 supplies water directly to the end user.

22 (6) "Wholesale water system" means a public water system that  
23 supplies water to other public water systems for resale.

24 (d) ~~An~~ Except when issuing a Tier 1 notice, as defined in  
25 Subpart Q of Part 141 of Title 40 of the Code of Federal  
26 Regulations, an operator that is required to post a notice on the  
27 public water system's Internet Web site pursuant to subdivision  
28 (b), may, upon resolving the problem or complying with the  
29 standard that required notification, ~~supplement~~ do either or both  
30 of the following:

31 (1) Not less than seven days after resolving the problem or  
32 complying with the standard that required the notification, remove  
33 the notice from the public water system's Internet Web site.

34 (2) Supplement the notice posted on the public water system's  
35 Internet Web site to provide additional information, including, but  
36 not limited to, the date on which the problem was resolved or  
37 compliance was achieved.

38 SEC. 6. Section 116470 of the Health and Safety Code is  
39 amended to read:

1 116470. (a) As a condition of its operating permit, every public  
2 water system shall annually prepare a consumer confidence report  
3 and mail or deliver a copy of that report to each customer, other  
4 than an occupant, as defined in Section 799.28 of the Civil Code,  
5 of a recreational vehicle park. The report shall, if the public water  
6 system has an Internet Web site, also be posted on the public water  
7 system's Internet Web site. A public water system in a recreational  
8 vehicle park with occupants as defined in Section 799.28 of the  
9 Civil Code shall prominently display on a bulletin board at the  
10 entrance to or in the office of the park, and make available upon  
11 request, a copy of the report. The report shall include all of the  
12 following information:

13 (1) The source of the water purveyed by the public water system.

14 (2) A brief and plainly worded definition of the terms "maximum  
15 contaminant level," "primary drinking water standard," and "public  
16 health goal."

17 (3) If any regulated contaminant is detected in public drinking  
18 water supplied by the system during the past year, the report shall  
19 include all of the following information:

20 (A) The level of the contaminant found in the drinking water,  
21 and the corresponding public health goal and primary drinking  
22 water standard for that contaminant.

23 (B) Any violations of the primary drinking water standard that  
24 have occurred as a result of the presence of the contaminant in the  
25 drinking water and a brief and plainly worded statement of health  
26 concerns that resulted in the regulation of that contaminant.

27 (C) The public water system's address and the telephone number  
28 to enable customers to obtain further information concerning  
29 contaminants and potential health effects.

30 (4) Information on the levels of unregulated contaminants, if  
31 any, for which monitoring is required pursuant to state or federal  
32 law or regulation.

33 (5) Disclosure of any variances or exemptions from primary  
34 drinking water standards granted to the system and the basis  
35 therefor.

36 (b) On or before July 1, 1998, and every three years thereafter,  
37 public water systems serving more than 10,000 service connections  
38 that detect one or more contaminants in drinking water that exceed  
39 the applicable public health goal, shall prepare a brief written report  
40 in plain language that does all of the following:

1 (1) Identifies each contaminant detected in drinking water that  
2 exceeds the applicable public health goal.

3 (2) Discloses the numerical public health risk, determined by  
4 the office, associated with the maximum contaminant level for  
5 each contaminant identified in paragraph (1) and the numerical  
6 public health risk determined by the office associated with the  
7 public health goal for that contaminant.

8 (3) Identifies the category of risk to public health, including,  
9 but not limited to, carcinogenic, mutagenic, teratogenic, and acute  
10 toxicity, associated with exposure to the contaminant in drinking  
11 water, and includes a brief plainly worded description of these  
12 terms.

13 (4) Describes the best available technology, if any is then  
14 available on a commercial basis, to remove the contaminant or  
15 reduce the concentration of the contaminant. The public water  
16 system may, solely at its own discretion, briefly describe actions  
17 that have been taken on its own, or by other entities, to prevent  
18 the introduction of the contaminant into drinking water supplies.

19 (5) Estimates the aggregate cost and the cost per customer of  
20 utilizing the technology described in paragraph (4), if any, to reduce  
21 the concentration of that contaminant in drinking water to a level  
22 at or below the public health goal.

23 (6) Briefly describes what action, if any, the local water purveyor  
24 intends to take to reduce the concentration of the contaminant in  
25 public drinking water supplies and the basis for that decision.

26 (c) Public water systems required to prepare a report pursuant  
27 to subdivision (b) shall hold a public hearing for the purpose of  
28 accepting and responding to public comment on the report. Public  
29 water systems may hold the public hearing as part of any regularly  
30 scheduled meeting.

31 (d) The department shall not require a public water system to  
32 take any action to reduce or eliminate any exceedance of a public  
33 health goal.

34 (e) Enforcement of this section does not require the department  
35 to amend a public water system's operating permit.

36 (f) Pending adoption of a public health goal by the Office of  
37 Environmental Health Hazard Assessment pursuant to subdivision  
38 (c) of Section 116365, and in lieu thereof, public water systems  
39 shall use the national maximum contaminant level goal adopted  
40 by the United States Environmental Protection Agency for the

1 corresponding contaminant for purposes of complying with the  
2 notice and hearing requirements of this section.

3 (g) This section is intended to provide an alternative form for  
4 the federally required consumer confidence report as authorized  
5 by 42 U.S.C. Section 300g-3(c).

6 (h) A public water system that is required to prepare a consumer  
7 confidence report pursuant to paragraph (3) of subdivision (a) and  
8 that is required to post its consumer confidence report on its  
9 Internet Web site pursuant to subdivision (a), may, if, following  
10 the publication of the consumer confidence report, it has resolved  
11 the problem identified in the consumer confidence report or  
12 complied with a standard that the consumer confidence report  
13 showed that it failed to meet, provide supplementary information  
14 on its Internet Web site to show the date on which the problem  
15 was resolved or compliance was achieved.

16 ~~SEC. 7. Section 4.5 of this bill incorporates amendments to~~  
17 ~~Section 116450 of the Health and Safety Code proposed by both~~  
18 ~~this bill and AB 1540. It shall only become operative if (1) both~~  
19 ~~bills are enacted and become effective on or before January 1,~~  
20 ~~2010; (2) each bill amends Section 116450 of the Health and Safety~~  
21 ~~Code, and (3) this bill is enacted after AB 1540, in which case~~  
22 ~~Section 4 of this bill shall not become operative.~~